

# Eastern Area Planning Committee

9 July 2020 2.00pm

## Membership

Cllr Mark Connolly (Chairman)  
Cllr Paul Oatway QPM (Vice-Chairman)  
Cllr Ian Blair-Pilling  
Cllr Stewart Dobson

Cllr Peter Evans  
Cllr Nick Fogg MBE  
Cllr Richard Gamble  
Cllr James Sheppard

## **20/02218/FUL**

Land opposite Hungerford Road, East Grafton,  
Marlborough, Wiltshire, SN8 3DF

Erection of 15 dwellings with access onto A338,  
formation of bus stop layby on A338, parking and  
associated landscaping with change of use of  
agricultural land to residential garden land

**- agenda item 7a**

**7a) 20/02218/FUL Land opposite Hungerford Road, East Grafton, Marlborough, Wiltshire, SN8 3DF**  
Erection of 15 dwellings with access onto A338, formation of bus stop layby on A338, parking and associated landscaping with change of use of agricultural land to residential garden land  
**Recommendation: To refuse planning permission.**



Site Location Plan



Aerial Photography







- KEY**
- New tree
  - Existing tree
  - Road Protection Area
  - New hedge
  - New parking
  - Gravel paths
  - Close boarded fence 1.2m high
  - Post and rail fence 1.2m high
  - Brick wall 2.1m high

B	Revised house foot	BL	28.03.18
A	Water spaces added	BL	14.07.18
	revised	BL	14.07.18

Contractor, Sub-Contractors and Suppliers are to check all new work dimensions and levels of site and buildings before commencing any site drainage or building work.

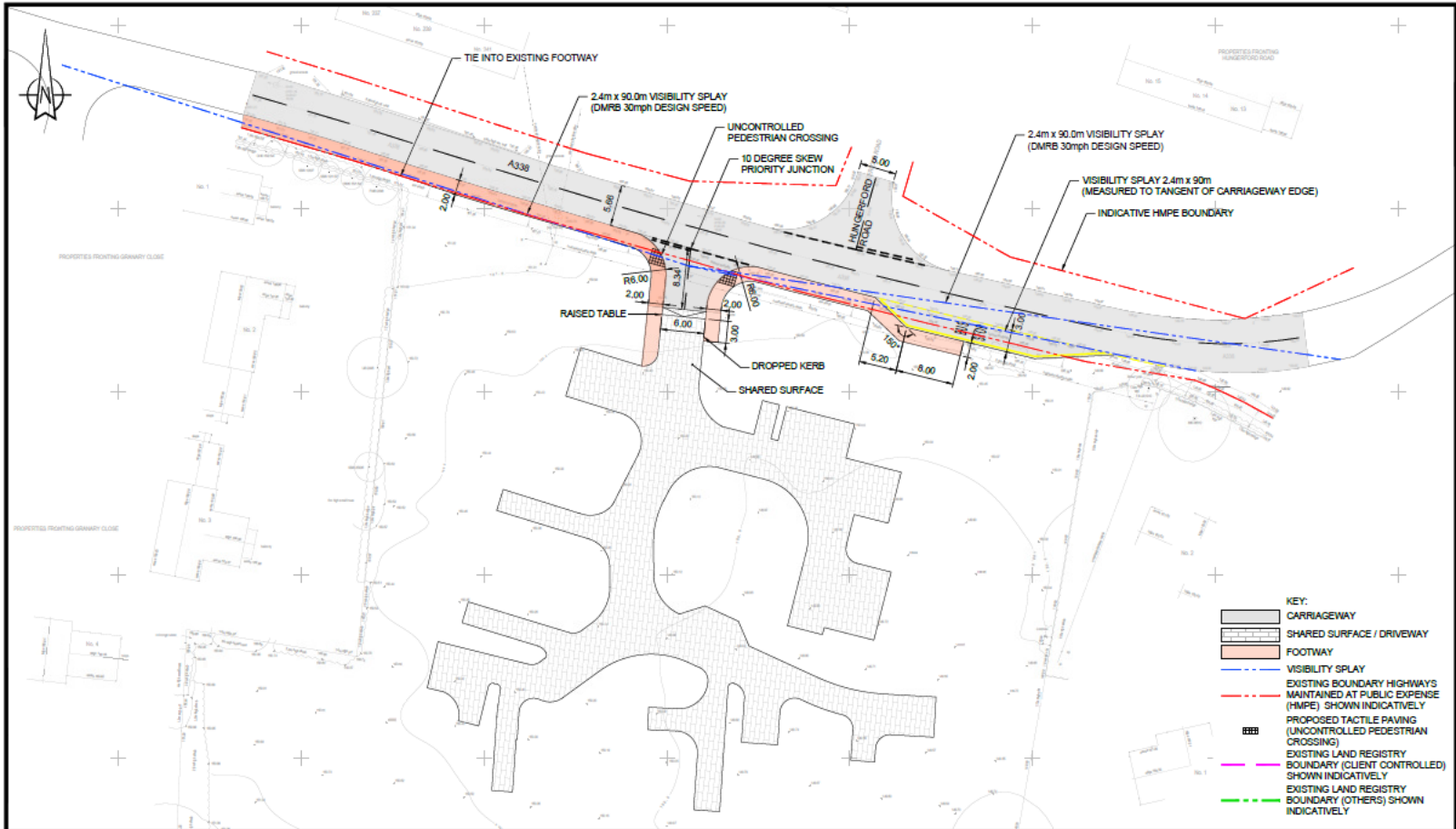
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LAND OPPOSITE HUNGERFORD ROAD  
East Grafton

Site Plan

scale	drawn by	date
1:200 @A1	BL	November 2018
140215-02		
drawing		B

**FOWLER ARCHITECTURE AND PLANNING**  
 19 High Street  
 Pewsey  
 Wiltshire  
 SN9 5AF  
 tel (01672) 569444  
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REV	DETAILS	DRAWN	CHECKED	DATE
A	Hungerford Road realignment and footway added.	BC	MM	30.08.2018
B	Layout amended to revised architect's plan	PD	BC	28.03.2018
C	Layout amended to revised architect's plan	PD	BC	14.11.2018
D	Layout amended to revised architect's plan	PD	BC	15.01.2019
E	Layout amended to revised architect's plan	PD	BC	06.04.2019

**NOTES:**

1. Do not scale from this drawing.
2. This drawing is for illustrative purposes only and not for construction.
3. This drawing is to be read and printed in colour.
4. All dimensions are shown in meters, unless specified otherwise.
5. Land boundaries shown are indicative and are for information only.

PROJECT: Land Opposite Hungerford Road, East Grafton

DRAWING TITLE: **PROPOSED ACCESS PLAN**

DRAWN: PD | CHECKED: BJC | DATE: 23.04.2018 | SCALES: 1:500 | SHEET SIZE: A3

CLIENT: Mr D Lemon

**cda**  
Gordon Drew  
Associates

DRAWING NUMBER: 1143-001 | REVISION: E

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East Elevation

1 : 100



South Elevation

1 : 100



North Elevation.

1 : 100



West elevation.

1 : 100

A general revision

revisions

Contractors, Sub Contractors and Suppliers are to check all relevant dimensions and levels of site and buildings before commencing any shop drawings or building work.

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project

Land Opposite Hungerford Road  
East Grafton

drawing

Plots 3 & 4  
Elevations

scale 1 : 100@ A3  
drawn by -  
date November 2018

140215- 12  
drawing no

db 26.06.2  
D

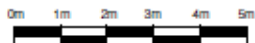
title

date



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Plot 14

Plot 15

## Front Elevation

1 : 100



Plot 14

## Side Elevation

1 : 100



Plot 15

## Side Elevation

1 : 100



Plot 15

Plot 14

## Rear Elevation

1 : 100

A. General Arrangements

05 28.06.20

revision

initial

date

Contractors, Sub Contractors and Suppliers are to check all relevant dimensions and levels of site and buildings before commencing any shop drawings or building work.

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project  
Land Opposite Hungerford Road  
East Grafton

drawing

## Plot 14 & 15 Elevations

scale  
1 : 100@ A3

drawn by  
BL

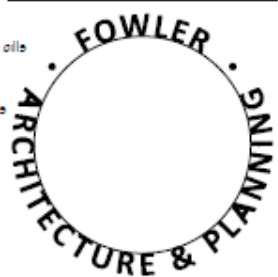
date  
March 2019

140215- 28

A

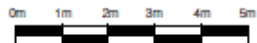
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etc



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North Elevation

1 : 100



East Elevation

1 : 100



South Elevation

1 : 100



West Elevation

1 : 100



A general revisions

revisions	date

6.20

Contractors, Sub-Contractors and Suppliers are to check all relevant dimensions and levels of site and buildings before commencing any shop drawings or building work.

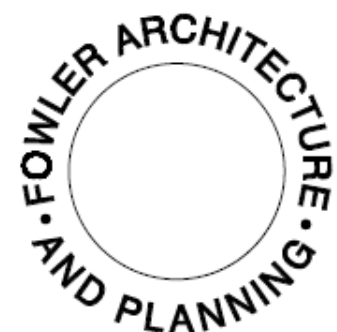
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Land opposite Hungerford Road  
East Grafton

Plot 7 Elevations

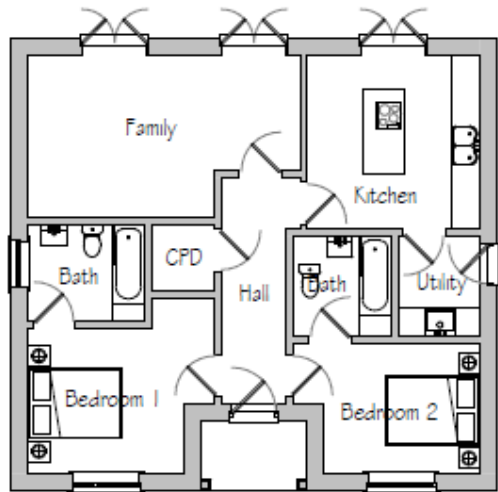
scale 1 : 100@ A3 drawn by November 2018

140215- 18 drawing no A



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East Elevation

1 : 100



West Elevation

1 : 100



North Elevation

1 : 100



South Elevation

1 : 100

A	general revision	6.20
revisions		initial date

Contractors, Sub Contractors and Suppliers are to check all relevant dimensions and levels of site and buildings before commencing any stop drawings or building work.

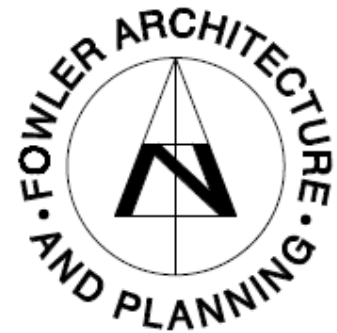
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Land Opposite Hungerford Road  
East Grafton

drawing  
**Plots 1 & 2**

scale 1 : 100@ A3 drawn by - date November 2018

140215- 10 A  
drawing no. rev.

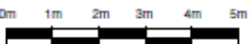


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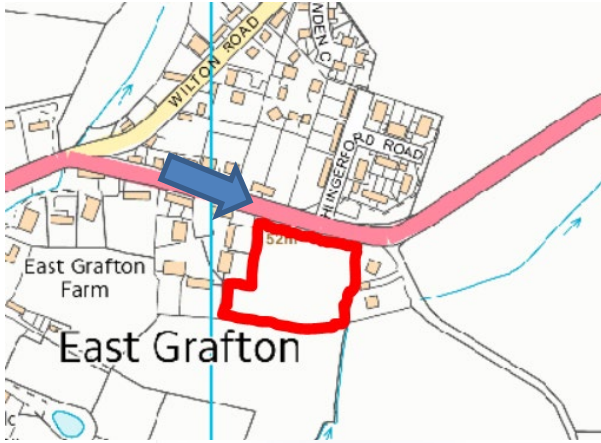












**20/01631/FUL**

Honey Street Mill, 2a Honeystreet,  
Pewsey, Wiltshire, SN9 5PS

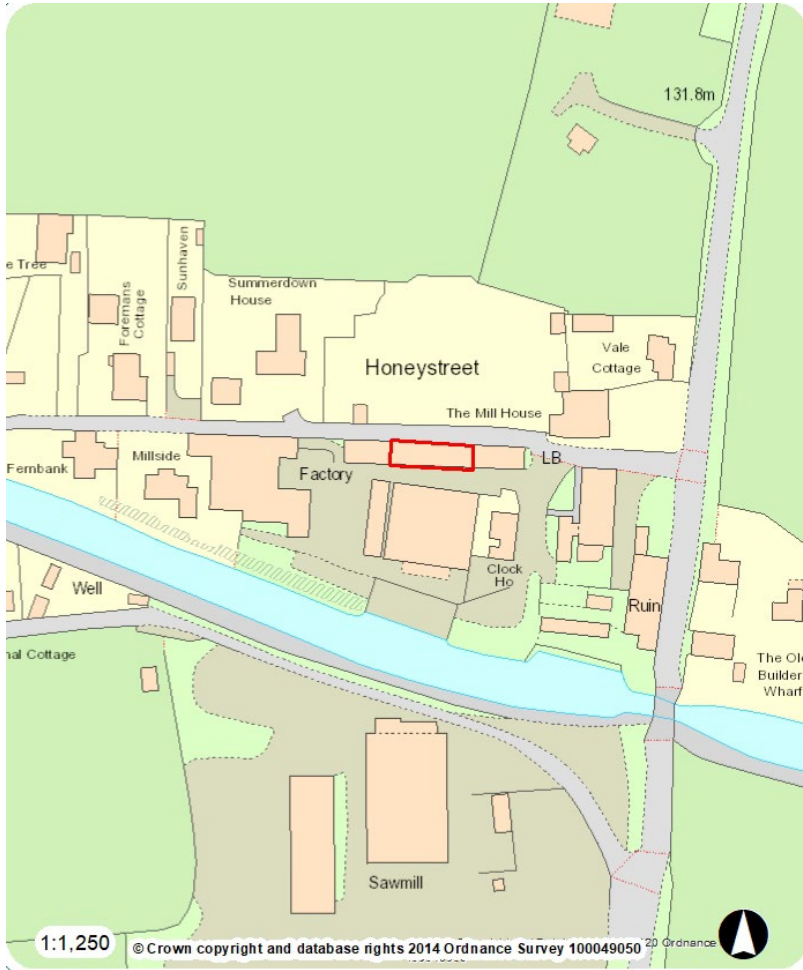
Change of use of former factory building  
to D1 exhibition hall (for Crop Circle  
Exhibition) - Resubmission of  
19/10296/FUL

**- agenda item 7b**

**7b) 20/01631/FUL Honey Street Mill, 2a Honeystreet, Pewsey, Wiltshire, SN9 5PS**

Change of use of former factory building to D1 exhibition hall (for Crop Circle Exhibition) - Resubmission of 19/10296/FUL

**Recommendation: Approve with Conditions**



Site Location Plan



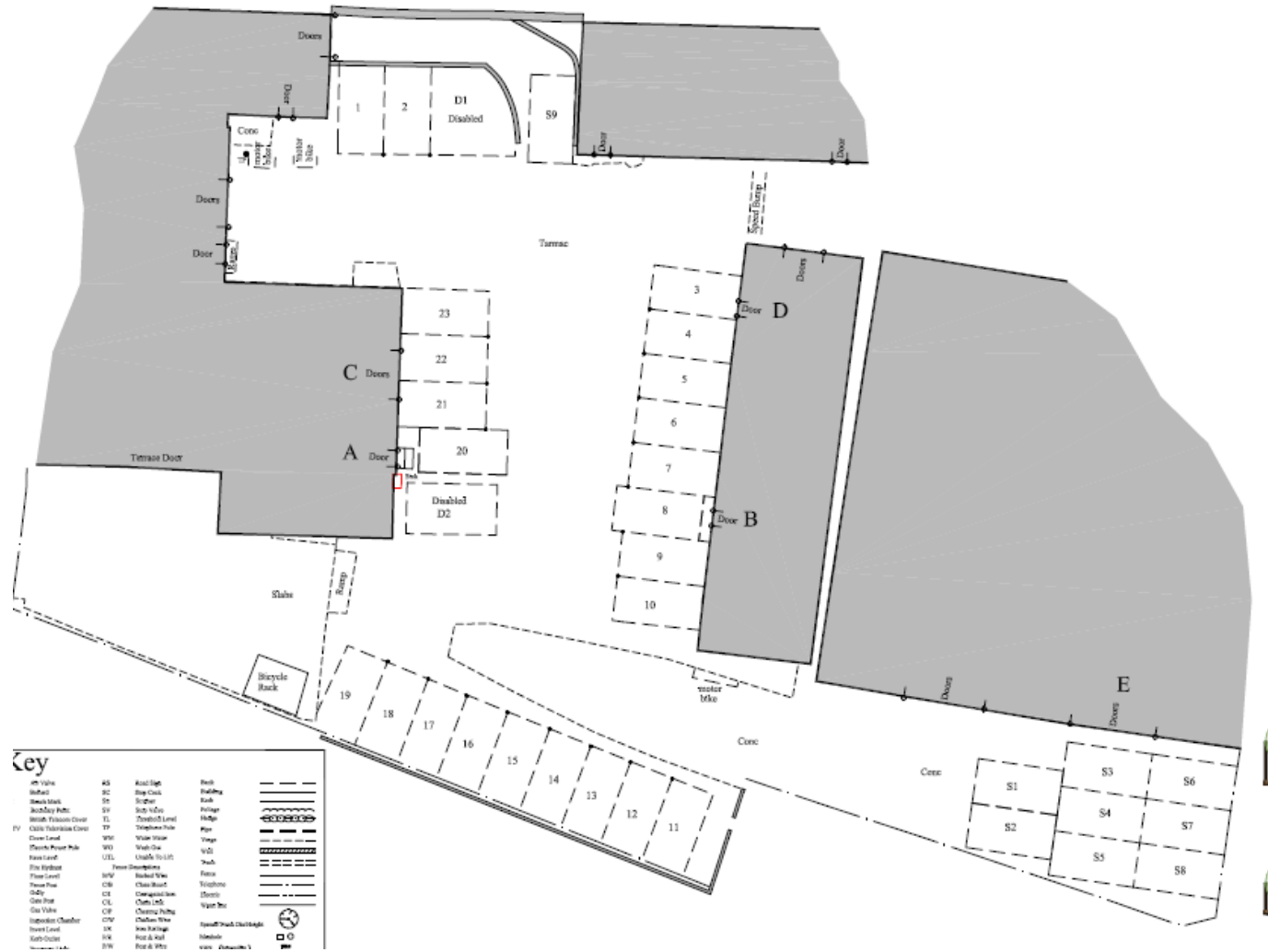
Aerial Photography



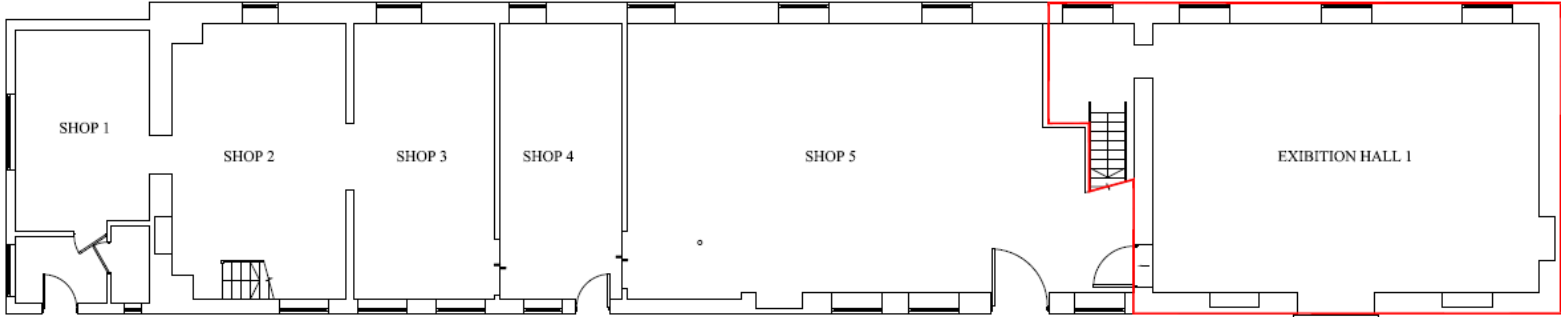




# Proposed Parking Layout



# Proposed Ground and First Floor Plan (area outlined in red)



GROUND FLOOR PLAN  
SCALE 1:50



FIRST FLOOR PLAN  
SCALE 1:50

# Photographs of the site





Following photographs provided by objectors:





Photographs provided by applicant





'D'  
Four standard spaces and 1 disabled



'E'  
9 Stand spaces  
2400mm x 4800mm



'G'  
Staff Parking in space beyond the open door and dotted line  
size of space 9 m wide at the end, 7.2m wide at the front 14.4m long  
we park bumper to bumper so always have enough staff parking.

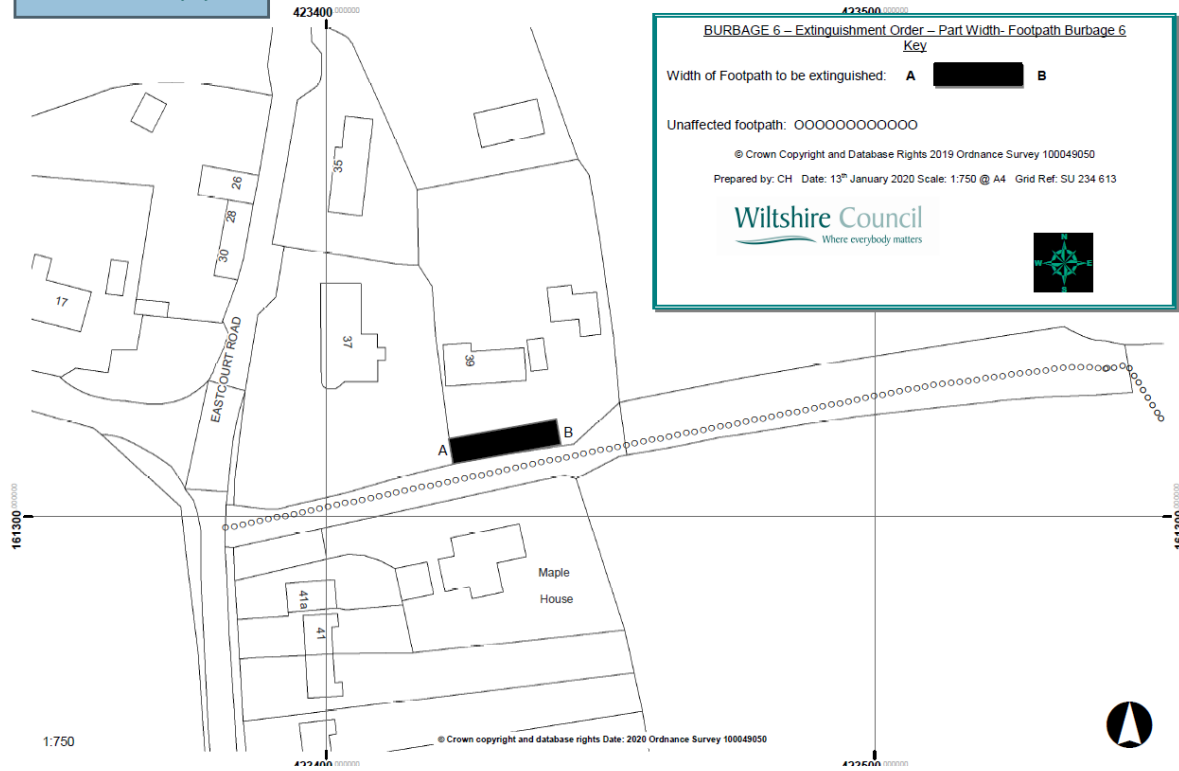


'H'  
Staff Parking Spot  
2400mm x 4800mm



The Wiltshire Council  
Burbage 6 (part)  
Extinguishment Order 2020  
- agenda item 8a

**THE WILTSHIRE COUNCIL BURBAGE 6 (PART) EXTINGUISHMENT ORDER 2020**



- Wiltshire Council received an application in July 2019 under section 118 of the Highways Act 1980 to extinguish part of the width of footpath Burbage 6 to the south of number 39 Eastcourt Road, Burbage. The application was submitted by the owner of no.39.
- The application and subsequent order extinguishes a section of path measuring 3.3 metres wide by 21 metres long to the front of the property. The path at this point is recorded as 8 metres wide and as such if the order is confirmed the path will still have a minimum width of 4.7 metres at that point.
- The only legal test to consider in section 118 is whether the path is needed for public use.







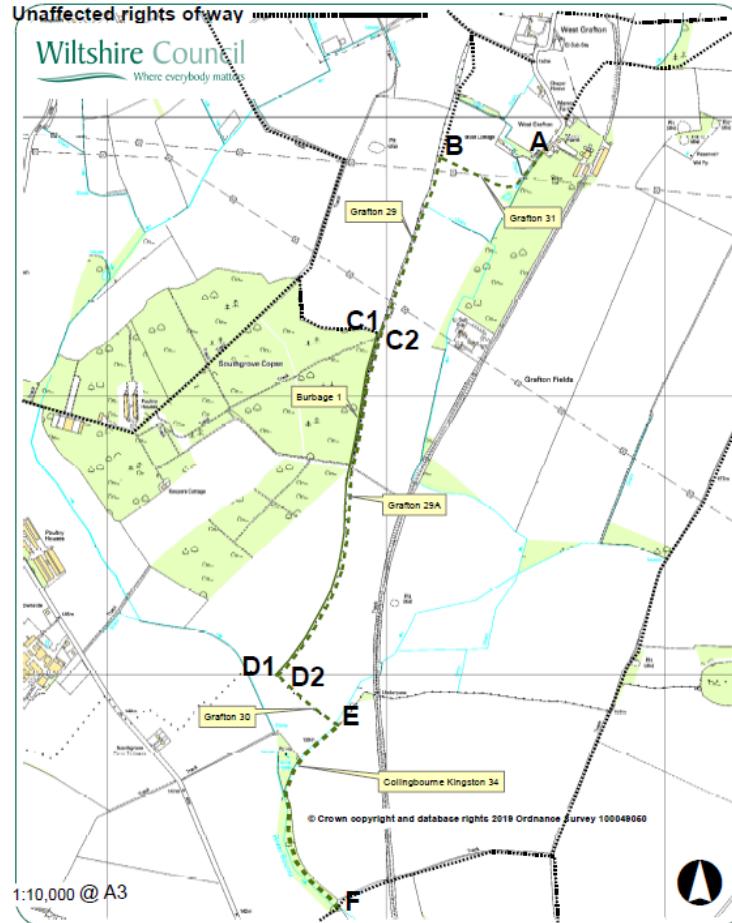
- An initial 28 day consultation was carried out in October and November 2019. Two objections were received , one from Burbage Parish Council and one from Mr McNicholas, a resident of Eastcourt Road. The Ramblers representative for the area also replied to the consultation stating he had no objection to the proposal.
- The objections were considered and officers concluded the legal tests set out in section 118 were met and as such an order should be made.
- The order attracted one duly made objection, during its 28 day statutory consultation period, from Mr McNicholas.
- The points raised within the one objection have been considered against the legal tests of section 118. It is claimed the whole width of the route is used by the objector and others. We have no other representation other than the objector claiming to use that section of path. The Planning Inspectorate advice note 9 is clear that when considering an extinguishment order a path may be used to a limited degree but still not needed for public use and be capable of confirmation.

- It is the officers opinion that the order is capable of confirmation as the path is not needed for public use and any use is very limited.
- The extinguishment order will not have a negative effect on the walking public using the footpath.
  
- Members of the committee have two options:
  - (i) The order be forwarded to SoSEFRA with the recommendation it is confirmed.
  - (ii) The order is abandoned
  
- If members do not believe the order should be confirmed clear reasons should be given as to why the order does not meet the legal tests.



The Wiltshire Council Grafton  
29 (part), 29A, 30 and 31,  
Burbage 1 (part) and  
Collingbourne Kingston 34  
Definitive Map Modification  
Order 2019  
- agenda item 8b

Grafton 29(pt), 30 & 31, Burbage 1 and Collingbourne Kingston 34 Order Plan  
 Grafton 31 to be upgraded to restricted byway A - - - - - B  
 Grafton 29 to be upgraded to restricted byway B - - - - - C2  
 Grafton 29A to be added as restricted byway C2 - - - - - D2  
 Burbage 1 to be deleted C1 - - - - - D1  
 Grafton 30 to be upgraded to restricted byway D2 - - - - - E  
 Collingbourne Kingston 34 to be upgraded to restricted byway E - - - - - F



- The Council has a statutory duty under Section 53 of the Wildlife and Countryside Act 1981 to keep the definitive map and statement under continual review and to make legal orders to correct it where errors are found.
- The duty extends to investigating all relevant available evidence relating to the existence of public rights to pass and re-pass over a route.
- The legal test for evaluating this evidence is the balance of probabilities, in other words, is something more likely than not.
- Section 32 of the Highways Act 1980 permits the Council to consider historical documents, map and plans and to attach evidential weight to them according to their purpose and provenance.
- Legal events and publicly consulted documents where all or part of the purpose was to create or record public highways are given the highest evidential weight. This includes legal orders, Inclosure Awards arising out of Acts of Parliament and Schemes and Plans of Public Undertakings (i.e. Railways) deposited with Parliament and arising out of Acts of Parliament.

- This order arises out of an application which brought historical evidence to the Council's attention that a long route linking West Grafton with Collingbourne Kingston was a historic road and not a footpath and bridleway as was currently recorded.
- The majority of the route was awarded to the public as a 40 feet wide Public Carriage Road in an Inclosure Award in 1792 arising out of an Act of Parliament given Royal Assent in 1790. It is shown going from West Grafton "to Collingbourne".
- The route was also shown as a Public Road or Driftway, Public Highway and Road in 3 separate schemes deposited with Parliament for the purposes of planning and building railways which would have interfered with the line of the route.
- This road is also shown on a number of maps, plans and documents of lower evidential weight all of which are consistent with the route being a public road.
- No evidence has been found that the route is a footpath or bridleway and no evidence has been found that any public rights were ever stopped up or extinguished along it.
- It is likely that the route fell into relative disuse when roads nearby were improved and it is known that parts of it were more recently ploughed. However, the law is clear that 'once a highway, always a highway' and that no amount of disuse will extinguish a right.

- Although on the balance of probabilities it is considered that this was once a road, an Act of Parliament in 2006 extinguished the public right to use the way with a mechanically propelled vehicle. It should therefore be recorded as a restricted byway.
- The order was advertised and attracted 2 representations of support (from the Ramblers and the British Horse Society) and 2 objections from landowners over whose land the route leads.
- As a result of the objections which will not be withdrawn the Council must send this order to the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA) for determination.
- Although the objectors to the order have concerns relating to the suitability and management of the route these matters are management concerns and not relevant to the determination of the order.
- Officers consider that the historical evidence for this route is compelling and that the Order should be forwarded to SoSEFRA with the recommendation that it is confirmed as made.

# Meeting concluded

Thank you for joining the meeting- if you have any feedback about the quality of the broadcast, please contact [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)

Please note that the meeting has paused and will resume shortly.

# Technical difficulties

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If the meeting cannot be resumed please contact Democratic Services via [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk) for further advice.